

REMARKS

Applicants respectfully request reconsideration of the patent application.

I. Election /Restrictions

Applicant believes that as currently amended claims 1-4, 6 and 8 all encompass species 1 as shown in Figures 1-4 embodiments and are currently pending in the application.

Applicants acknowledge that claims 5 and 7 are withdrawn from further consideration by the Examiner, as being to a non-elected invention.

Applicants reserve the right to pursue the subject matter of any withdrawn or cancelled claims in one or more continuing applications.

II. Status of Claims

Applicants acknowledge the misnumbering of the claims and have renumbered them accordingly. As such, Claims 1-7 as originally filed have been renumber to correct the 2 claims numbered as 1, thus now having Claims 1-8 pending in the application.

III. Oath/Declaration

The Examiner noted that the Oath or Declaration filed by Applicant does not identify the mailing address of the inventor. The Examiner further states that the mailing address may be provided in an application data sheet.

Applicant would like to bring Examiners attention to the Application Data Sheet filed by Applicant in accordance with 37 CFR 1.63(c), and received by the USPTO on February 13, 2006. The filed Application Data Sheet identifies the inventor's residence including the ZIP Code designation. Applicant therefore believes the Notice of Informal application is moot.

IV. Claim Rejections

Applicant hereby amends claim 1 without prejudice, as shown in the preceding Listing of Claim.

In view of the above amendment and the following remarks, Applicant believes that the grounds for rejection as being anticipated by Shears and Brown are moot.

1. Claims 1-4 and 6 were rejected under 35 USC §102(b) as being anticipated by Shears (3,137,952) (hereinafter “Shears”).

Briefly, Shears appears to disclose a shoe fastening means for closing and clamping footwear secure using only physical force of a strap. Specifically, as illustrated in Figure 6 of the Shear patent discloses, “a strap and associated buckle and screw member associated, with the end of the strap tucked back into buckle.” As such, the Shear patent teaches only a shoe fastener device, wherein the footwear and the actual shoe fastening mechanism do not physically touch; in essence requiring a strap tucked into the buckle, and moreover provides no teaching of any allowance for mechanical securing means. Furthermore, it can be argued that Shears actually teaches away from Applicant’s invention in that Shears only discloses a flexible elastic strap that in essence will inadvertently release, in essence, allowing for movement and give.

Contrary to the teachings of Shears, Applicant’s claim recited a tightening element coupled to a closure panel wherein “a housing member is adapted to complementarily fit to the back of said surface of said footwear surface opening.” Additionally, Applicant’s invention further provides a securing mechanism for footwear whereby “said fastening assembly is selected from a group consisting of a nut, rivet, pin screw and hook”, in essence a mechanical means of securing, provides both fine and course adjustment to the footwear. Applicant respectfully submit that Shears fails to teach or suggest such a structure which can be easily adjusted in such a manner, and further appears to not teach or suggest a mechanical securing device easily engagable and disengageable by a pivotal motion as supported in the specification as originally filed, and specifically on page 5 lines 6-30 and page 6 lines 1-13. Moreover, Shears does not provide a locking mechanism that prevents inadvertent release as clearly disclosed in Applicant’s invention.

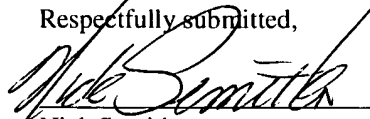
2. Claims 1-4, 6 and 8 were rejected under 35 USC §102(b) as anticipated by Brown, et al., (US 5,526,585) (hereinafter “Brown”). Applicants respectfully traverse this rejection.

As with the teachings and suggestions in Shear, Brown also fails to teach or suggest a locking mechanism having the precision and accuracy of Applicant's "fastening assembly is selected from a group consisting of a nut, rivet, pin screw".

Conclusion

Applicants submit that all the grounds for rejection of the pending claims have now been overcome and that all the claims are now in condition for allowance, which action is respectfully requested. The Examiner is encouraged to contact the Applicants' undersigned attorney by telephone as needed to advance this application.

Respectfully submitted,



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